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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 CARMEN DI GIOVANNI
11 derivatively on behalf of Nominal
12 Defendant BRIDGEPOINT
EDUCATION, INC.,

13 Plaintiff,

14 vs.

15 ANDREW S. CLARK; RYAN
16 CRAIG; DALE CRANDALL;
17 MARYE ANNE FOX; PATRICK T.
18 HACKETT; ROBERT HARTMAN;
19 ADARSH SARMA; WARBURG
20 PINCUS & CO.; WARBURG
PINCUS PARTNERS LLC;
WARBURG PINCUS LLC;
WARBURG PINCUS PRIVATE
EQUITY VIII, L.P.; and
BRIDGEPOINT EDUCATION, INC.,
Nominal Defendant;

21 Defendants.

CASE NO. 13-cv-02947 JM (WMC)

ORDER DIRECTING PARTIES TO
FILE A SUPPLEMENT TO THE
JOINT MOTION TO CONSOLIDATE
CASES AND SET BRIEFING
SCHEDULE

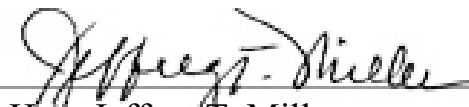
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23 On January 21, 2014, the parties filed a joint motion to consolidate cases and
24 set a briefing schedule for any motions to dismiss filed by Defendants. Dkt. No. 6.
25 The joint motion seeks to consolidate this action with Case No. 13-cv-02950 JM
26 (WMC) inasmuch as the two shareholder derivative actions involve common
27 questions of law and fact pertaining to the related securities class action, *In re:*
28 *Bridgepoint Education, Inc. Securities Litigation*, 12-cv-01737. There is an

1 additional shareholder derivative action, *Cannon v. Clark, et al.*, 13-cv-02645 JM
2 (WMC), related to the same underlying securities class action. The parties' joint
3 motion does not refer to *Cannon*.

4 Accordingly, the court defers action on the request to consolidate and sets a
5 briefing schedule pending further clarification from the parties. It appears from the
6 proposed stipulation that the initial action, *Cannon*, has been excluded from
7 consolidation, notwithstanding the current stay in that action. In light of this
8 seeming exclusion, the parties are to advise the court in the form of a supplement to
9 their stipulation as to why *Cannon* has not been included and what harm, if any,
10 would result if *Cannon* were included. The parties' supplement shall be filed on or
11 before February 14, 2014.

12 IT IS SO ORDERED.

13 DATED: February 3, 2014

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15 Hon. Jeffrey T. Miller
16 United States District Judge
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